



CEPPS/IFES Quarterly Report: April 1 – June 30, 2005

Electoral Process Strengthening In Nepal (EPSIN) Associate Cooperative Agreement Award 367-A-00-05-00011-00 Under Leader Award CA: DGC-A-00-01-00004-00

**Project Period: December 15, 2004 to December 31, 2006
Total Budget: \$500,000 Expenses Recorded to Date: \$13,369**

SUMMARY OF ACTIVITIES

During this period, IFES contracted two consultants to Nepal: Ian Smith, an electoral and institutional capacity building specialist, and Julia Buxton, a security analyst from Bradford University's Centre for International Cooperation and Security.

Mr. Smith's report considered the current electoral environment in Nepal, the technical and capacity building needs of the Election Commission, the commitment of the parties and HMGoN towards supporting the electoral process, and the implications of support for municipal elections on long-term electoral process strengthening. Numerous meetings and discussions were conducted with diplomatic staff, electoral staff, political parties, security experts, academics, human rights organizations and the wider donor community.

Ms. Buxton's report provides an election security assessment. Specifically her report identifies socio-political impediments to the conduct of violence-free elections.

These two reports will be presented to USAID on or before July 29th, 2005 along with a draft work-plan for the remainder of the project. For the purposes of this quarterly report, highlights from the two assessments completed during this reporting period are included below.

BACKGROUND

The objective of IFES' Electoral Process Strengthening in Nepal (EPSIN) project is to support the strengthening, independence and effectiveness of the Election Commission of Nepal (ECN). IFES has proposed to meet this goal through: (1) on-site technical assistance to the Election Commission; (2) assistance to the ECN in reviewing performance of its 1998-2003 5-year plan and developing a 2004-2009 strategic plan; (3) conducting an election security assessment to identify sociopolitical impediments to the conduct of violence-free elections in 2005 and generate related action plans for the ECN; (4) development, with the ECN and key stakeholders, of a civic and voter education plan for upcoming elections; and (5) working with the ECN to improve its public outreach capabilities.

IFES faces two key challenges in initiating work with the government of Nepal: resistance on the part of the Election Commission to assistance, and significant ‘peer pressure’ from other NGOs and donor agencies to avoid assisting what is widely perceived as an elections process manipulated by the King to maintain his dominant position in Nepalese politics. Given the complex situation outlined in the IFES assessments, designing an assistance program which avoids lending credibility to a potentially corrupted process, while preserving IFES’ reputation as an impartial and respected assistance organization, could prove challenging. However, senior IFES staff is communicating with the highest levels of Nepalese government to gain EC cooperation, and is confident that the nuanced analysis and options offered herein will allow IFES the ability to design an assistance program which addresses these obstacles, while building the long-term capacity of Nepalese elections institutions and processes.

ACTIVITIES

Electoral Environment in Nepal Assessment

Nepal has not had elected representatives at any level of government for nearly three years. The Maoist “People’s War” has expanded to 70 out of 75 districts and claimed 12,000 lives since 1996. Since the declaration of a state of emergency on 1 February 2005, the general human rights situation has worsened and the environment for free and fair elections has become much more restrictive. Nevertheless, on 14 April 2005, King Gyanendra committed to restoring elected government and multi-party democracy in Nepal as soon as possible, with a pledge to conduct municipal elections within a year and parliamentary elections within three years.

This report—based on a 4-week assessment mission in May-June 2005—considered the current electoral environment in Nepal, the technical and capacity building needs of the Election Commission, the commitment of the parties and HMGoN towards supporting the electoral process, and the implications of support for municipal elections on long-term electoral process strengthening. Numerous meetings and discussions were conducted with diplomatic staff, electoral staff, political parties, security experts, academics, human rights organizations and the wider donor community.

It was not possible to establish a formal working relationship with the EC during this assessment mission and therefore a detailed analysis of the five-year plan was not completed. A brief review of EC performance based on secondary sources led to the conclusions that substantial progress was achieved through the support provided by Danida from 1998-2003. However, it was found that continued support is needed in the key areas of EC internal structure; decentralization of the EC; voter registration; training and education; and specific training of District Election Officers.

Much of the assessment focused on upcoming Municipal Elections for Nepal’s 58 municipalities, since this was originally envisaged as the entry point for electoral process strengthening. Unfortunately, political and security limitations make direct technical support for these elections unadvisable at this time. The technical and security needs for elections—even relatively “small” elections for municipal councils—are much greater in

2005 than they were during the last general elections of 1999. The key challenges to the conduct of elections in Nepal, include:

- Insecurity created by the Maoist insurgency, which cannot be controlled by the RNA to internationally acceptable levels, even within the relative security of municipalities
- A lack of capacity and recent electoral experience within the EC
- A lack of independence of the EC—perceived or otherwise—from HMGoN’s newly appointed zonal commissioners, Royal Nepalese Army (RNA) and Chief District Officers
- Numerous technical challenges to the effective conduct of elections, including:
 - The lack of absentee voting provisions for 100,000 to 400,000 IDPs and migrants
 - Voter registration restrictions against landless Nepalese
 - Polling Station re-locations and the resulting anticipated voter confusion
 - The lack of available media for voter education, given current restrictions on newspapers and FM radio stations
 - Inadequate application of Codes of Conduct
 - Lack of resources in the majority of District Election Offices
 - Poor voter list and lack of voter IDs
 - Election boycott by all political parties, except for traditional royalist parties

IFES’ electoral environment assessment found that, instead of focusing support efforts on Municipal Elections, it is strongly recommended to USAID that technical support should be targeted on activities that extend above and beyond municipal election preparations, like the general training of newly appointed District Election Officers and a full review of the Voter Registration and Voter ID Programs.

While providing long term support to the electoral process in Nepal, ways and means should be explored to encourage the EC, HMGoN and the parties to reach the minimum standards needed for the conduct of reasonably free and fair elections. These minimum standards should address the EC’s ability to function independently of HMGoN and the RNA; the right to universal franchise; the need for civic space for campaigning and political participation; the lack of transparency of the electoral process; and the lack of security for voters, election staff and candidates. Additional electoral process strengthening activities—outside of support for municipal elections—are strongly recommended in the following areas:

- Strengthen an independent EC through institutional capacity building;
- Develop the EC’s capacity to manage the Voter List and voter registration process through support for a Voter ID Card and Voter List updating program;
- Develop voter education strategies and materials, both within the EC and with local NGO partners;
- Encourage stakeholders to work together towards establishing minimum standards required for reasonable elections to be conducted in Nepal; and

- Sponsor a national dialogue among key stakeholders on Electoral Reform in Nepal.

In short, IFES' election environment assessment found that a flexibility of programming will be necessary to accommodate anticipated positive steps towards achieving minimum standards, which would allow a greater engagement in support for municipal elections and work within the EC.

Security Assessment

An already poor election security environment has worsened since February 1, 2005, when King Gyanendra dismissed the parliament and Prime Minister, assumed executive control and imposed a state of emergency. There is a strong possibility that the security situation will degenerate further as the country moves towards the three-year election cycle announced by the Palace. The election process is scheduled to commence with elections for 4,146 officials, specifically mayors, deputy mayors and ward committees in 58 municipalities located in 43 of the country's 75 districts. This municipal election is to be held before April 2006.

Following the February 1 2005 palace 'coup', security forces have been authorised to step up counter-insurgency efforts against the Communist Party of Nepal (Maoist) (CPN (M)). The Royal Nepalese Army (RNA) has adopted an approach identified as the 'bloody nose' theory. This looks to the security forces to deliver a final and uncompromising blow to the CPN (M) insurgents. This tactical change has not been accompanied by a revision of military strategy. Structural and organisational problems within the security forces persist. This means that there is little possibility of the security forces improving an already poor election security environment or achieving victory over the Maoists. Security has improved in the capital, Kathmandu, but this has been achieved at the cost of deteriorating security in the rest of the country and repression of basic civil liberties.

The CPN (M) remains a serious threat to election security. The organisation maintains a presence in an estimated 70 per cent of the country and its capabilities have not been reduced since the intensification of counter-insurgency operations. The CPN (M) has responded to the Palace coup of February 1 by re-assessing strategies and tactics. Rather than diminishing, Maoist-related violence is expected to increase going into the election cycle, specifically as the municipal elections are identified with the Palace. Rifts within the ranks of the Maoists have not reduced their operational capabilities. They have however opened up the possibility of a fragmentation of the Maoist forces. This could exacerbate problems of violence and insecurity.

The King's actions of February 1 have united previously disparate partisan opposition interests and generated a backlash from civil society organisations. The seven main political parties: Nepali Congress; Nepali Congress (D); CPN (UML); Jan Morcha; Nepal Peasants and Workers Party; NSP (Anandi Faction) and United Left, have united in a boycott of the planned municipal elections, which they perceive as illegitimate. There have been protests in support of demands for the restoration of parliament and the

constitutional order. These demonstrations could intensify and encounter repression from security forces, contributing to a further deterioration of the security situation for civilians, party activists and civil society groups, outside of the pre-existing problems posed by the Maoist insurgency.

The escalation of the insurgency and counter-insurgency efforts have led to a rise in armed violence, intimidation, assassinations and human rights abuses against civilians by both the CPN (M) and the state. This has created a deteriorating environment for the election process and an insecure working environment for the donor community. Intensification of the conflict has been dramatic, with at least 1,100 people killed in the five months from February.¹ During the same five-month period in 2004, 608 people were killed.

There are concerns as to the capacity and willingness of the state to conduct fair elections and manage the conflict with the CPN (M) through constructive democratic institutions and processes. Restrictions on basic civil and political liberties have persisted, despite the lifting of the state of emergency in April 2005. The move from multiparty democracy to royal autocracy has eliminated political mechanisms for accountability and oversight. Elections in this context are unlikely to promote national reconciliation. The political and security situation is a major impediment to: party political organisation; election mobilisation; and IFES's planned activities in technical capacity building at the Election Commission (EC).

The issue of election security has not been adequately addressed by the United Security Forces, which comprises: the RNA; the Armed Police; and the National Police Force, and the EC. IFES may encounter difficulties if it seeks to engage with the security forces in IFES work related to election security and EC capacity building. The RNA will face serious challenges in providing election security, even at the municipal level.

The position of the majority within the donor community (including the UK, Germany, India, Denmark and the Netherlands) is that it is too early to commit to the election process. This is based on their strategic assessment of the security situation, the constitutionality of the election process and the questionable legitimacy of the Palace's actions. The militarization of the conflict with the CPN (M) is also opposed and there is support for political negotiations between the Palace, CPN (M) and the opposition political parties. Dialogue between the opposition political parties and the CPN (M) are underway in New Delhi and they are reported to have been brokered by senior Indian officials. The municipal elections are seen as a further provocation to these macro-political challenges.

In conclusion, the assessment recommends that IFES proceed with caution while taking into consideration the security situation and the position of the international donor community with regards to support of the electoral process.

¹ C. Tiwari, 'Nepal's king hit by fallout from royal coup', *The Washington Times*, 2 July 2005

ACTIVITIES PLANNED FOR NEXT QUARTER

In light of the findings of the electoral environment assessment, IFES seeks to focus technical election support on activities that extend above and beyond municipal election preparations. Activities such as general election administration training of newly appointed District Election Officers and a full review of the Voter Registration and Voter ID Programs offer a prudent and flexible approach within the present context. With this in mind, IFES will submit a draft work-plan to USAID on or before 29 July 2005. This work-plan will clearly indicate IFES' activities over the remainder of the project period.